

Application No.: 10/743142

Amendment dated: March 16, 2007

Reply to Office Action dated: October 16, 2006

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**REMARKS/ARGUMENTS**

Claims 1, 3-11 and 13-18 are pending in the application. Claims 2 and 12 were previously canceled without prejudice or disclaimer. Claims 1, 3-11, 13-18 are rejected. Claim 1, 3-11 and 13-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Favor (US 6,732,236).

Page 4 of the Office Action dated October 16th, 2006 states that Applicants' arguments fail to comply with CFR 1.111(b). Applicants respectfully disagree. In the Response and RCE filed July 29, 2006 Applicants presented amended claims and presented new arguments in a *bona fide* attempt to advance prosecution.

In particular, Applicants argued that Favor cannot support the asserted rejection for at least the reason that Favor does not disclose "associating the cache miss with a second instruction dependent on the first instruction" as recited in independent claim 1; "propagation logic to propagate the association to an instruction dependent on the instruction generating the cache miss" as recited in independent claims 5 and 16; and "propagating the identifier to any instruction dependent on the load instruction" as recited in independent claim 10; and "logic to ... propagate an association to a dependent instruction" as recited in independent claim 13.

Examiner's rejection does not specifically state which parts of Favor teach each specific claim element of Applicants' claims. Instead, Examiner provides one block paragraph, which is supposed to reject all 16 pending claims. Nowhere in that block paragraph does the Examiner show where the Favor reference teaches "associating the

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cache miss with a second instruction,” or that the second instruction is “dependent on the first instruction.”

On page 2 of an Office Action dated April 26, 2006, in response to Applicants’ arguments, the Examiner states that the first instruction is taught in Favor by access requests, which are read and write instructions. Assuming *arguendo* that Favor teaches the first instruction, Favor does not teach associating the cache miss with a second instruction dependent on a read or a write instruction. Instead, Favor teaches a retry queue for instructions where the cache access would be a cache hit but for the fact that the desired cache line is being refilled. The access request is for all intents and purposes a cache hit, only the data is not instantaneously available. It, therefore, makes no sense to associate a cache miss with a second, dependent instruction.

Favor contains no disclosure of an operation or logic to propagate an association between a cache miss and an instruction generating the cache miss to instructions dependent on that instruction. Accordingly, Favor cannot meet the recitations of the present claims. Withdrawal of the asserted rejections for all claims is therefore respectfully requested.

It is believed that this Response places the application in condition for allowance, and early favorable consideration of this Response is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

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The Office is hereby authorized to charge any fees, or credit any overpayments, to  
Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: March 16, 2007

By:



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